

COUNTY NOTICES OF PROPOSED RULEMAKING

Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT

AIR QUALITY DIVISION

1. Heading and number of the proposed rule, ordinance, or other regulations

Rule 317 (Hospital/Medical/Infectious Waste Incinerators)  
New Rule 319 (Ginning Operations)  
Rule 331 (Solvent Cleaning)  
Rule 336 (Surface Coating Operations)  
Rule 344 (Automotive Windshield Washer Fluid)  
New Rule 348 (Aerospace Manufacturing and Rework Operations)  
Rule 349 (Pharmaceutical, Cosmetic and Vitamin Manufacturing Operations)  
Rule 360 (New Source Performance Standards)

2. Summary of the proposed rules, ordinance, or other regulations

Maricopa County is proposing to revise Rule 317 (Hospital/Medical/Infectious Waste Incinerators), New Rule 319 (Ginning Operations), Rule 331 (Solvent Cleaning), Rule 336 (Surface Coating Operations), Rule 344 (Automotive Windshield Washer Fluid), Rule 348 (Aerospace Manufacturing and Rework Operations), Rule 349 (Pharmaceutical, Cosmetic and Vitamin Manufacturing Operations), and Rule 360 (New Source Performance Standards), and to submit such rules as a revision to the (Arizona) State Implementation Plan (SIP).

The proposed rule revisions are as follows:

**Proposed Revisions to Rule 317 (Hospital/Medical/Infectious Waste Incinerators)**

**Proposed Revisions to Rule 360 (New Source Performance Standards)**

Maricopa County is revising Rule 317 to incorporate the federal standards for existing medical waste incinerators. The rule distinguishes between "hospital" waste and "medical/infectious" waste because not all hospital waste is medical/infectious. The revisions define an existing Hospital/Medical/Infectious Waste Incinerator (HMIWI) as one that commenced operations on or before June 20, 1996, or for which construction commenced on or before June 20, 1996. Federal and the proposed state rules differentiate between rural and Standard Metropolitan Statistical Areas, but there are no rural HMIWI in Maricopa County, so this distinction is not included. The rule sets standards for these facilities based on the size of the HMIWI, which is determined by maximum charge rate and burn capacity. Existing and new HMIWIs have to monitor and test to insure compliance, develop a waste management plan and are required to have a trained and qualified operator readily available during operation. Most facilities will need to install add-on pollution control systems to meet the new emission guidelines. For new HMIWI facilities, there are siting requirements and fugitive emission limits for ash handling from incinerators larger than 500 pounds per hour. Currently, no existing HMIWI remain under Maricopa County jurisdiction, although there is 1 partially constructed HMIWI under permit.

The revision to Rule 360 adopts by reference 40 CFR Part 60 Subpart Ec, the New Source Performance Standards (NSPS) for new medical waste incinerators for which construction commenced after June 20, 1996. The provisions of the NSPS were described in the preceding paragraph.

The revisions parallel the provisions in the current Arizona Department of Environmental Quality (ADEQ) rulemaking package. When approved, the proposed rules will be included in the Clean Air Act (CAA) Section 111d State Plan for medical waste incinerators that ADEQ is preparing.

**New Rule 319 (Ginning Operations)**

The CAA requires that serious particulate matter nonattainment areas demonstrate that best available control technology has been implemented for stationary sources. Proposed new Rule 319 implements emission standards and control technology requirements specific to cotton gins. Gins have previously been controlled by generic process weight standards and the visible emissions rule, but recent compliance investigations show that many gins could not meet the process weight rules. The new rule will identify 3 heavy loading processes and require specific cyclonic controls such as a 1D-3D cyclone to control these emissions within 2 years, as well as requiring 1D-3D cyclones for the remaining high pressure exhausts within 5 years. Low pressure exhausts will require 2D-2D cyclones within 5 years and the need to partially enclose trash dumping. The new rule stipulates a 20% opacity requirement and a requirement to partially enclose the trash hopper dumping operation. The rule also requires an initial determination of balance and volumetric flow utilizing Method 2 and daily visual checks for visible emissions and clogs.

**Proposed Revisions to Rule 331 (Solvent Cleaning)**

The revisions to Rule 331 implement material specifications as required pursuant to A.R.S. § 11-874.A.4. Further, Rule 331 is exempt from A.R.S. § 49-112 pursuant to A.R.S. § 11-874. The scope of Rule 331 was reduced from all (industrial) organic solvents to just those that contain volatile organic compounds (VOCs). The revision adds solvent vapor pressure limits, which will reduce VOC emissions from industrial solvent cleaning processes an estimated 20-30%. Starting November 1, 1999, solvents used for general industrial cleaning are to be limited to a VOC vapor pressure of not more than 2 mm of mercury (Hg) [measured under standard conditions]. A final reduction to 1 mm Hg vapor pressure will become effective on November 1, 2001. The revision provides incentives for using industrial cleaning solvents having 5% or less VOC content, because they generally have

the lowest VOC-emission rates. The standards imposed on this class are proper storage, proper disposal, and to be kept from leaking. No recordkeeping is required for this class of cleaners except documenting their VOC content. Allowances were made for cleaning using high pressure spraying and/or flush-cleaning and these require special enclosure. Standards for cleaning with boiling solvent vapors were moved to the appendix because the federal rule "National Emission Standards for Halogenated Solvent Cleaning" addresses the majority of vapor cleaning. The remaining solvent vapor cleaning machine standards reflect the standards in the federal rule. Rule 331 specifies that it no longer applies to semiconductor manufacturing, materials having 2% or less VOC content, or cleaning solutions made solely of water and dry powder, for example, dry detergents.

**Proposed Revisions to Rule 336 (Surface Coating Operations)**

The proposed revisions correct deficiencies identified by EPA in March 1998 and implement requirements for more efficient paint application equipment, a measure identified for the Maricopa County Ozone SIP. All facilities that exceed 2 tons of VOC emissions per year from surface coating operations must use spray guns that are more efficient than high pressure air guns whenever coating exceeding 2 lbs VOC/gal. (minus exempt compounds) is sprayed. For the cleanup of spray guns and other application equipment, covers must be kept on cleaning vats at all times, except when handling, introducing, or removing the equipment in the container. As a cleanup alternative, a commercially sold gun cleaning machine may be used. The rule specifies VOC limits for adhesives used on "other metal parts and products". Recordkeeping requirements were simplified for facilities that use only small amounts of coatings. Aerospace coatings limits were deleted since new Rule 348 addresses them. Per EPA requirements, the following exemptions were deleted: (1) for research and development facilities, and (2) the allowance for turning off an installed VOC-control device on days of minimal coating usage. Flexible parts have been more clearly defined as being only parts made of plastic. An exemption for adhesives that bond rubber sheets for abrasion protection on metal machinery is granted, after determining that no adequate replacement exists.

**Proposed Revisions to Rule 344 (Automotive Windshield Washer Fluid)**

Maricopa County is revising Rule 344 for the Ozone SIP, to correct deficiencies noted by EPA. The revisions eliminate the current test method for demonstrating compliance (hydrometer or density method) and replace it with the option of using either the Total Organic Carbon Method for Off-Set Lithographic Solutions, or formulation data based on the manufacturer's written certification of the actual weight percentage of VOCs used to manufacture the fluid. All windshield washer concentrates sold, offered for sale, or otherwise supplied for use in Maricopa County are to mention Maricopa County in the dilution instructions and must indicate the minimum amount of water a user needs to add to make a washer fluid that meets the 10% VOC limit for ready-to-use fluid.

**New Rule 348 (Aerospace Manufacturing and Rework Operations)**

For ozone nonattainment areas, the CAA requires the implementation of reasonably available control technology (RACT), identified by EPA's Control Techniques Guidance Documents (CTG). EPA finalized the CTG for Aerospace Manufacturing and Rework in March 1998. Maricopa County is proposing a new rule to limit VOC emissions from aerospace vehicle and component manufacture and rework which combines the existing emission standards formerly contained in Rule 336 with the CTG provisions. The new rule establishes additional VOC emission limits on primers, topcoats and specialty coatings. As an alternative to meeting the applicable coating limits set forth in the rule, the owner or operator may operate an emission control system approved by the Control Officer, provided it has a combined VOC emission capture and control efficiency of at least 81% by weight. The rule allows an averaging scheme for meeting VOC limits, as long as the owner or operator averages the coatings between the different groups separately, for example, primers as a group versus topcoats as another group. Averaging between specialty chemicals is prohibited. The rule specifies an Operation and Maintenance Plan for the control system and requirements for spray gun cleaning, solvent cleaning and VOC containment and disposal. The rule differentiates between general aviation facilities and general aviation rework facilities, with the VOC emission limits being higher than for primers and topcoats from the rework facilities. Rework operations are primarily a captive market and are more likely to involve "standardized" coating schemes.

**Proposed Revisions to Rule 349 (Pharmaceutical, Cosmetic and Vitamin Manufacturing Operations)**

This is a technical correction to the rule that was adopted on December 16, 1998. The revision inserts the formula for calculating the total VOC vapor pressure, as referenced in Section 212 of the rule. Rule 349 implements RACT for CTG sources.

**3. A demonstration of the grounds and evidence of compliance with A.R.S. 49-112(A) or A.R.S. 49-112(B)**

Based on information and belief, the Control Officer of the Maricopa County Environmental Services Department affirms the following:

A. Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County is proposing to adopt revisions to Rules 317 and 360 that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to A.R.S. § 49-112 as enacted in 1994, provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition. Any changes to the Maricopa County Air Pollution Control Regulations that might incur due to New Rules 319 and 348 and revisions to Rule 336, Rule 344, and Rule 349 will address emission limitations which reduce concentrations of ozone or particulates and implement control measures proposed for inclusion in the SIP for the Maricopa County Nonattainment Area. Reclassification of the Maricopa County Nonattainment Area to "serious" for ozone and particulate matter constitutes a peculiar local condition.

County Notices Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

The CAA requires that serious particulate matter nonattainment areas demonstrate that best available control technology has been implemented for stationary sources. Proposed new Rule 319 implements emission standards and control technology requirements specific to cotton gins. The rule replaces generic emission standards which testing has established are inappropriate for the industry.

The proposed revisions to Rule 336 correct deficiencies identified by EPA in a limited disapproval notice effective March 11, 1998. The revisions also implement requirements for more efficient spray application equipment, a measure identified as feasible for the Maricopa County Ozone SIP. The proposed revisions to Rule 344 correct deficiencies identified by EPA to obtain credit for the Ozone SIP. Proposed new Rule 348 combines existing emission standards federally approved as part of Rule 336 with the RACT for aerospace manufacturing and rework operations, as identified in a CTG finalized by EPA in March 1998. The CAA requires ozone nonattainment areas to implement RACT for CTG sources and Non-CTG major sources. The proposed revisions to Rule 349 make a technical correction to the rule. Rule 349 implements RACT for CTG sources.

Permit fees will not change as a result of these proposed actions. The fees were last revised in 1993 on the basis of a workload analysis and budget documents which demonstrated the reasonable costs of the County to issue and administer permit programs. A.R.S. 49-112(A)(3) as enacted in 1994 provided that any fee adopted under the rules will not exceed the reasonable costs of the County to issue or administer those permit programs.

B. These particular rules are in that portion of Maricopa County's air quality program which is administered under direct statutory authority. Therefore, these rules are not being adopted/revised in lieu of a state program.

4. Name and address of the person to whom persons may address questions or comments

Name: Rick Kramer-Howe, Air Quality Planner (Rules 331 and 336)  
Or  
Patricia Nelson, Air Quality Planner (Rules 317, 319, 344, 348, 349 and 360)  
Address: Maricopa County Environmental Services Department  
Air Quality Division  
1001 North Central Avenue #201  
Phoenix, Arizona 85004  
Telephone: Rick Kramer-Howe (602) 506-6706 or Patricia Nelson (602) 506-6709  
Fax: (602) 506-6179

5. Where persons may obtain a full copy of the proposed rules, ordinance, or other regulations

Name: Maricopa County Environmental Services Department  
Air Quality Division  
Address: 1001 North Central Avenue #201  
Phoenix, Arizona 85004  
Telephone: (602) 506-6010  
Fax: (602) 506-6179

**NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING  
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)**

**MARICOPA COUNTY**

**ENVIRONMENTAL SERVICES DEPARTMENT, AIR QUALITY DIVISION**

**1. Heading and number of the proposed rules, ordinance, or other regulations that are the subject of the public hearing**

Rule 317 (Hospital/Medical/Infectious Waste Incinerators)  
New Rule 319 (Ginning Operations)  
Rule 331 (Solvent Cleaning)  
Rule 336 (Surface Coating Operations)  
Rule 344 (Automotive Windshield Washer Fluid)  
New Rule 348 (Aerospace Manufacturing and Rework Operations)  
Rule 349 (Pharmaceutical, Cosmetic and Vitamin Manufacturing Operations)  
Rule 360 (New Source Performance Standards)

**2. Date, time, and location of public hearing scheduled**

Date: Wednesday, April 7, 1999

Time: 9 am

Location: Maricopa County Board of Supervisors Auditorium  
205 West Jefferson Street  
Phoenix, Arizona

Nature Of Public Hearing: To discuss and approve the rules that are listed.

**3. County personnel to whom questions and comments may be addressed**

Name: Rick Kramer-Howe, Air Quality Planner (Rules 331 and 336)  
Or

Patricia Nelson, Air Quality Planner (Rules 317, 319, 344, 348, 349 and 360)

Address: Maricopa County Environmental Services Department  
Air Quality Division  
1001 North Central Avenue #201  
Phoenix, Arizona 85004

Telephone: Rick Kramer-Howe (602) 506-6706; or Patricia Nelson (602) 506-6709

Fax: (602) 506-6179

**4. Any other pertinent information concerning the above described rules, ordinance, or other regulations**

Please refer to the Notice Of Proposed Rules which appears in this issue of the *Arizona Administrative Register*.